

REMARKS

The rejections of:

Claims 1-6, 8-9, 11, 13 and 15-18 under 35 U.S.C. § 102(a) as anticipated by

Macromolecules 2003, 36(18) 6711-6715 (Bauers et al);

Claim 10 under 35 U.S.C. § 103(a) as unpatentable over Bauers et al, and

Claims 7, 12 and 14 under 35 U.S.C. § 103(a) as unpatentable over Bauers et al in view of DE 10234005.6 by its equivalent US 2005/0261452 (Chowdhry et al),

are respectfully traversed.

Bauers et al indicates at the bottom of page 6711 that it was “Published on Web 08/07/2003.” There is no earlier indication of a publication date. Thus, it must be presumed that the earliest publication of Bauers et al is August 7, 2003. The present national stage application claims priority of DE 10335990.7, filed August 1, 2003. **Submitted herewith** is a certified English translation of the German priority application. Accordingly, Bauers et al is removed as prior art.

Chowdhry et al is described in the specification herein at page 3, lines 1-14. However, Chowdhry et al is also not prior art. At the time the presently-claimed invention was made, it and Chowdhry et al were commonly owned. Therefore, Chowdhry et al is removed as prior art under 35 U.S.C. § 102(e). The earliest publication date of a member of the patent family for Chowdhry et al is February 5, 2004, of DE 10234005. However, the above-discussed certified English translation of the priority application predates this publication date. Thus, Chowdhry et al is not available under 35 U.S.C. § 102(a) either.

Since neither Bauers et al nor Chowdhry et al is prior art, the rejection must fail. Accordingly, it is respectfully requested that it be withdrawn.

The rejection of Claim 10 under 35 U.S.C. § 112, second paragraph, as indefinite, is respectfully traversed. The Examiner queries whether the ligand compounds Ia and Ib are

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used separately or as a combination. In reply, Claim 1 recites “an in situ reaction by reacting the ligand compound … (Ia) and/or … (Ib).” Thus, Claim 1 is inclusive of three embodiments relating to the ligand, i.e., ligand (Ia) alone, ligand (Ib) alone, or the combination of ligand (Ia) and (Ib). Claims 8 and 9 are directed to the first two embodiments, respectively. Claim 10 is drawn to the third embodiment. Since Claim 10 depends on Claim 1, it necessarily follows that the two ligands are reacted in situ. Accordingly, it is respectfully requested that this rejection be withdrawn.

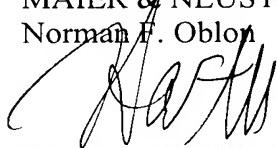
Finally, the Examiner is **again** respectfully requested to correct the record that the Information Disclosure Statement referred to on the Office Action Summary page of the Office Action mailed November 28, 2008 was filed April 27, 2006, not July 18, 2007.

All of the presently-pending claims in this application are believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Respectfully submitted,

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